

December 21, 2004

NATIONAL SECURITY PRESIDENTIAL DIRECTIVE NSPD-41
HOMELAND SECURITY PRESIDENTIAL DIRECTIVE HSPD-13

MEMORANDUM FOR THE VICE PRESIDENT

THE SECRETARY OF STATE
THE SECRETARY OF THE TREASURY
THE SECRETARY OF DEFENSE
THE ATTORNEY GENERAL
THE SECRETARY OF THE INTERIOR
THE SECRETARY OF COMMERCE
THE SECRETARY OF TRANSPORTATION
THE SECRETARY OF ENERGY
THE SECRETARY OF HOMELAND SECURITY
CHIEF OF STAFF TO THE PRESIDENT
DIRECTOR, OFFICE OF MANAGEMENT AND BUDGET
THE UNITED STATES TRADE REPRESENTATIVE
ASSISTANT TO THE PRESIDENT FOR NATIONAL SECURITY
AFFAIRS
COUNSEL TO THE PRESIDENT
ASSISTANT TO THE PRESIDENT FOR HOMELAND SECURITY
CHAIRMAN, COUNCIL ON ENVIRONMENTAL QUALITY
DIRECTOR OF CENTRAL INTELLIGENCE
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
COMMANDANT OF THE COAST GUARD
DIRECTOR, FEDERAL BUREAU OF INVESTIGATION
DIRECTOR, NATIONAL COUNTERTERRORISM CENTER

SUBJECT: Maritime Security Policy

This directive establishes U.S. policy, guidelines, and implementation actions to enhance U.S. national security and homeland security by protecting U.S. maritime interests. It directs the coordination of United States Government maritime security programs and initiatives to achieve a comprehensive and cohesive national effort involving appropriate Federal, State, local, and private sector entities. This directive also establishes a Maritime Security Policy Coordinating Committee to coordinate interagency maritime security policy efforts.

As specified herein, the Assistant to the President for National Security Affairs and the Assistant to the President for Homeland Security, in cooperation with appropriate Federal departments and agencies, will jointly coordinate the implementation of the policy set forth in Section II of this directive.

I. BACKGROUND

For the purposes of this directive, "Maritime Domain" means all areas and things of, on, under, relating to, adjacent to, or bordering on a sea, ocean, or other navigable waterway, including all maritime-related activities, infrastructure, people, cargo, and vessels and other conveyances. Due to its complex nature and immense size, the Maritime Domain is particularly susceptible to exploitation and disruption by individuals, organizations, and States. The Maritime Domain facilitates a unique freedom of movement and flow of goods while allowing people, cargo, and conveyances to transit with anonymity not generally available by movement over land or by air. Individuals and organizations hostile to the United States have demonstrated a continuing desire to exploit such vulnerabilities.

The United States must deploy the full range of its operational assets and capabilities to prevent the Maritime Domain from being used by terrorists, criminals, and hostile States to commit acts of terrorism and criminal or other unlawful or hostile acts against the United States, its people, economy, property, territory, allies, and friends, while recognizing that maritime security policies are most effective when the strategic importance of international trade, economic cooperation, and the free flow of commerce are considered appropriately.

II. POLICY

The security of the Maritime Domain is a global issue. The United States, in cooperation with our allies and friends around the world and our State, local, and private sector partners, will work to ensure that lawful private and public activities in the Maritime Domain are protected against attack and criminal and otherwise unlawful or hostile exploitation. These efforts are critical to global economic stability and growth and are vital to the interests of the United States.

It is the policy of the United States to take all necessary and appropriate actions, consistent with U.S. law, treaties and other international agreements to which the United States is a party, and customary international law as determined for the

United States by the President, to enhance the security of and protect U.S. interests in the Maritime Domain, including the following:

- Preventing terrorist attacks or criminal acts or hostile acts in, or the unlawful exploitation of, the Maritime Domain, and reducing the vulnerability of the Maritime Domain to such acts and exploitation;
- Enhancing U.S. national security and homeland security by protecting U.S. population centers, critical infrastructure, borders, harbors, ports, and coastal approaches in the Maritime Domain;
- Expediting recovery and response from attacks within the Maritime Domain;
- Maximizing awareness of security issues in the Maritime Domain in order to support U.S. forces and improve United States Government actions in response to identified threats;
- Enhancing international relationships and promoting the integration of U.S. allies and international and private sector partners into an improved global maritime security framework to advance common security interests in the Maritime Domain; and
- Ensuring seamless, coordinated implementation of authorities and responsibilities relating to the security of the Maritime Domain by and among Federal departments and agencies.

These actions must be undertaken in a manner that facilitates global commerce and preserves the freedom of the seas for legitimate military and commercial navigation and other legitimate activities as well as civil liberties and the rights guaranteed under the Constitution.

III. POLICY COORDINATION

The Maritime Security Policy Coordinating Committee (MSPCC) is hereby established, consistent with NSPD-1 and HSPD-1. The MSPCC, in consultation with the relevant regional and functional policy coordinating committees of the Federal Government, and without exercising operational oversight, shall act as the primary forum for interagency coordination of the implementation of this directive. As part of that effort, the MSPCC shall review existing interagency practices, coordination, and execution of U.S. policies and strategies relating to maritime security, and shall recommend specific improvements to all of them as warranted. The MSPCC shall provide analysis of new U.S. policies, strategies, and initiatives relating to maritime security for consideration by the Deputies and Principals Committees of the NSC and the HSC, and subsequently by the NSC

and the HSC, and shall ensure ongoing coordination and implementation of such policies, strategies, and initiatives.

The reviews, plans, and recommendations required by this directive (as set forth in Sections IV and V below) shall be completed by the departments and agencies designated herein in coordination with the MSPCC, and shall then be prepared for consideration by and submitted to the Deputies and Principals Committees of the NSC and the HSC, and subsequently to the NSC and the HSC.

The MSPCC shall be co-chaired by an NSC staff representative selected by the Assistant to the President for National Security Affairs and an HSC representative selected by the Assistant to the President for Homeland Security, and shall include the following officers or their designated representatives:

- The Vice President
- The Secretary of State
- The Secretary of the Treasury
- The Secretary of Defense
- The Attorney General
- The Secretary of the Interior
- The Secretary of Commerce
- The Secretary of Transportation
- The Secretary of Energy
- The Secretary of Homeland Security
- Director, Office of Management and Budget
- The United States Trade Representative
- Chairman of the Council on Environmental Quality
- Director of Central Intelligence
- Chairman of the Joint Chiefs of Staff
- Director, Federal Bureau of Investigation
- Director, National Counterterrorism Center

The co-chairs of the MSPCC may invite representatives of other departments and agencies to attend MSPCC meetings as they deem appropriate.

IV. POLICY IMPLEMENTATION

National Strategy for Maritime Security. A coordinated and integrated government-wide effort to enhance the security of the Maritime Domain requires an over-arching strategy. The Secretaries of Defense and Homeland Security shall jointly lead a collaborative interagency effort to draft a recommended National Strategy for Maritime Security, which shall be

submitted for my consideration within 180 days after the effective date of this directive. Such a strategy must present an over-arching plan to implement this directive and address all of the components of the Maritime Domain, including domestic, international, public, and private components. It shall further incorporate a global, cross-discipline approach to the Maritime Domain centered on a layered, defense-in-depth framework that may be adjusted based on the threat level. The strategy shall build on current efforts and those initiated by this directive, as well as complement existing strategies, tools, and resources. All relevant Federal departments and agencies shall cooperate with the Secretaries of Defense and Homeland Security in this effort and provide all appropriate assistance.

V. POLICY ACTIONS

In concert with the development of a National Strategy for Maritime Security, the following actions shall be taken:

Maritime Domain Awareness (MDA). Maritime Domain Awareness is the effective understanding of anything associated with the global Maritime Domain that could impact the security, safety, economy, or environment of the United States. It is critical that the United States develop an enhanced capability to identify threats to the Maritime Domain as early and as distant from our shores as possible by integrating intelligence, surveillance, observation, and navigation systems into a common operating picture accessible throughout the United States Government.

The Secretaries of Defense and Homeland Security have established a Maritime Domain Awareness Senior Steering Group (MDASSG). The MDASSG is co-chaired by representatives of the Secretaries of Defense and Homeland Security and includes representatives from departments and agencies that will participate in the MSPCC.

The MDASSG shall coordinate national efforts to achieve maximum Maritime Domain Awareness. No later than 180 days after the effective date of this directive, the MDASSG will develop and submit to me, through the Secretaries of Defense and Homeland Security, a national plan to improve Maritime Domain Awareness, which shall include near-term and long-term objectives, required program and resource implications, and any recommendations for organizational or policy changes.

Global Maritime Intelligence Integration. A robust and coordinated intelligence effort serves as the foundation for

effective security efforts in the Maritime Domain. In support of this effort, I direct the Secretaries of Defense and Homeland Security, with the support of the Director of Central Intelligence, and in coordination with the Director of the National Counterterrorism Center (NCTC) and the Director of the Federal Bureau of Investigation (FBI), to use existing intelligence capabilities to integrate all available intelligence on a global basis regarding the location, identity, and operational capabilities and intentions of potential threats to U.S. interests in the Maritime Domain. The Secretaries of Defense and Homeland Security, with the support of the Director of Central Intelligence, and in coordination with the Director of the NCTC, the Director of the FBI, and other appropriate departments and agencies, shall submit to me for approval, through the Assistants to the President for National Security Affairs and Homeland Security, a plan for global maritime intelligence integration within 180 days after the effective date of this directive. The plan shall include appropriate interagency participation to ensure effective government-wide sharing of information and data critical to intelligence production.

Domestic Outreach. A successful strategy to implement this directive must include coordination with State and local authorities and consultation with appropriate private sector persons and entities. The Secretary of Homeland Security, in coordination with the Attorney General and the Secretaries of the Treasury, Interior, Commerce, and Transportation, shall lead the development of a comprehensive engagement plan that ensures that the interests of State and local governments and the private sector are considered in the Federal Government's implementation of this directive. The plan shall be completed within 180 days after the effective date of this directive and shall take effect upon approval by the Secretary of Homeland Security.

Coordination of International Efforts and International Outreach. Ensuring the security of the Maritime Domain must be a global effort, in which United States Government efforts are developed and furthered with the support of other governments and international organizations resulting in lasting international cooperation. The Secretary of State shall lead the coordination of United States Government initiatives in the implementation of this directive with regard to activities with foreign governments and international organizations. All Federal departments and agencies shall coordinate with the Department of State on policies, programs, and initiatives relating to the implementation of this directive that could

affect the conduct of foreign policy. In addition, the Secretary of State, in coordination with the Secretaries of Defense, Commerce, Transportation, and Homeland Security, and the U.S. Trade Representative, and in consultation with appropriate private sector persons and entities, shall develop, within 180 days after the effective date of this directive, a comprehensive plan to solicit international support for an improved global maritime security framework. Such plan shall take effect upon approval by the Secretary of State.

Maritime Threat Response. The Secretaries of Defense and Homeland Security, in consultation with the Attorney General and the Secretaries of State, the Treasury, Commerce, and Transportation, shall develop a comprehensive National Maritime Security Response Plan to ensure seamless United States Government response to maritime threats against the United States. This plan, when approved by me, shall supplement the National Response Plan required by HSPD-5 and complement the critical infrastructure protection plans required by HSPD-7 and the domestic all-hazards preparedness goals and structures required by HSPD-8. The plan, at a minimum, shall reflect lead agency roles and responsibilities, including recommendations regarding changes to existing policy, including those reflected in PDD-39 and PDD-62, in the following areas: 1) maritime security response and counterterrorism operations; 2) maritime interception operations; 3) prevention and detection of, and response to, the mining of U.S. ports; 4) detection, interdiction and disposition of targeted cargo, people, and vessels; and 5) attacks on vessels with U.S. citizens aboard or that affect U.S. interests anywhere in the world. The plan also shall: 1) include recommended protocols that establish clear coordination relationships governing protection and defense of the United States against threats to its interests in the Maritime Domain; and 2) provide recommendations concerning the designation of an interagency planning and command-and-control entity to ensure unity of command for national execution of maritime security policy. An interim plan shall be submitted no later than 180 days after the effective date of this directive, through the Assistants to the President for National Security Affairs and Homeland Security, and shall be finalized after completion of the National Strategy for Maritime Security.

Maritime Infrastructure Recovery. Rapid recovery from an attack or similar disruption in the Maritime Domain is critical to the economic well-being of our Nation. A credible capability for rapid recovery will not only minimize an incident's economic impact but also serve as a deterrent. The Secretary of Homeland Security, in coordination with other appropriate officials,

including the Secretaries of Defense, State, the Treasury, the Interior, Commerce, and Transportation, and in consultation with key industry stakeholders, shall be responsible for the development of recommended minimum Federal standards, where appropriate, for maritime recovery operations, and shall develop comprehensive national maritime infrastructure recovery standards and a plan, complementary to the national preparedness goals and standards required by HSPD-8. Such standards and plan shall be completed no later than 180 days after the effective date of this directive, shall focus on the restoration of physical assets and transportation systems, and shall take effect when approved by the Secretary of Homeland Security. The standards and plan also shall describe a maritime infrastructure recovery exercise program consistent with the National Exercise Program administered by the Department of Homeland Security. The program shall address coordination with State, local, and private sector partners, and cooperation with foreign governments and international entities as appropriate.

Maritime Transportation System Security. The Secretary of Homeland Security, in coordination with the Secretaries of Defense, State, Commerce, and Transportation, and the U.S. Trade Representative, and in consultation with appropriate industry representatives, shall develop recommendations for improvements to the national and international regulatory framework with respect to licensing, carriage, communications, safety equipment, and other critical systems for all private vessels, including commercial vessels, operating in the Maritime Domain. The recommendations shall be submitted to me, through the Assistants to the President for National Security Affairs and Homeland Security, no later than 180 days after the effective date of this directive.

Maritime Commerce Security. To implement this directive effectively and to enhance economic growth, the United States must promote global supply chain security practices to reduce the risk of terrorists or criminals acting against the United States from within the Maritime Domain. The Secretary of Homeland Security, in coordination with the Secretaries of Defense, State, the Treasury, Commerce, Transportation, and Energy and the U.S. Trade Representative shall lead a collaborative interagency effort, in consultation with appropriate industry representatives, to develop a comprehensive international maritime supply chain security plan no later than 180 days after the effective date of this directive. The plan shall define supply-chain security requirements, include recommendations to further secure commercial operations from point of origin to point of destination, build on available

resources, and provide a recommended framework of roles, responsibilities, and implementation actions. The plan shall define measurable national "end state" supply chain security goals and develop contingency plans to continue the flow of commerce in the event of an incident necessitating total or partial closure of U.S. borders to maritime commerce. The plan shall take effect upon approval by the Secretary of Homeland Security.

VI. GENERAL

This directive does not alter existing authorities or responsibilities of the department and agency heads, including their authorities, to carry out operational activities or to provide or receive information. This directive is intended only to improve the internal management of the Executive Branch and is not intended to, and does not; create any right or benefit enforceable at law or in equity by any party against the United States, its departments, agencies, entities, officers, employees, or agents, or any other person.

Nothing in this directive impairs or otherwise affects the authority of the Secretary of Defense over the Department of Defense, including the chain of command for military forces from the President and Commander-in-Chief, to the Secretary of Defense, to the commander of military forces, or military command and control procedures.

The Assistants to the President for National Security Affairs and Homeland Security and the Chairman of the Council on Environmental Quality shall coordinate as appropriate the work of the MSPCC under this directive and the work of the Committee on Ocean Policy under the Executive Order of December 17, 2004.